THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.21132 OF 2004

DISPOSED OF ON 18-11-2005.

BETWEEN:

M/S CHAITANYA MINERALS,

PIDUGURALLA AND OTHERS .. PETITIONERS

AND

THE GOVT. OF A.P. & OTHERS .. RESPONDENTS

THE HONOURABLE SRI JUSTICE

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WRIT PETITION NO.21132 OF 2004

O R D E R :

1. This writ petition has been filed by the petitioners who are four in number assailing the action of the Deputy Director Mines and Geology, Guntur in not issuing transit pass under A.P.Mineral Dealers Rules, 2000.

2. Respondents filed counter affidavit. It is stated in the counter affidavit that an appeal lies against the impugned order in the writ petition and therefore the writ petition is not maintainable. I deem it appropriate to refer para 10 of the counter affidavit:

> " 10. I submit that the Inds. & Com. Department Memo.No.10658/Vg./A1/2003-2, dated 11.3.2004 and R2 in Memo.No.9315/Vg.1/04, dated 2.7.2004 has requested the R3 to take necessary action on the 4th petitioner as per the report of the Regional Vigilance & Enforcement Office, Guntur. Basing on the report of the Regional Vigilance & Enforcement Office, Guntur, the R3 has issued show cause notice to the 4th petitioner and request to submit the documentary evidence for the above quantity. The 4th petitioner has submitted a reply duly stating that they have submitted the accounts to the 4th respondent and it is under process. The 3rd respondent has requested to the 4th respondent to submit the report on the reply submitted by the 4th petitioner. The 4th respondent has submitted the reply stating that it is under process. The cases mentioned in para No.9 for the quantity of 26,181,085 M.Ts of Limestones, Poultry Grit and Stone Powder for an amount of Rs.62,83,464/- is also pending with the Vigilance Department. The Vigilance Department vide Memo.No.10658/Vig/ A1/2003-2, dated 11.3.2004 has pressing the R2 to realize the seignior age fee with penalty. Hence, the transit passes are not issued to 3rd and 4th petitioners basing on the vigilance reports."

3. Heard learned counsel for the petitioners and learned Government Pleader for Mines appearing for the respondents.

4. During the course of arguments learned counsel appearing for the petitioners states that the petitioners filed a revision before the Government and the same is pending consideration.

5. Such is the situation the writ petition does not survive and the same is hereby dismissed. However, the respondents are directed to dispose of the revision filed by the petitioners assailing the action of 3rd respondent in refusing to issue the transit permit within six weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

Dt: 18-11-2005. (B.Seshasayana Reddy,J)

tnb

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